

AMENDED IN ASSEMBLY MARCH 16, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1907**

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**Introduced by Assembly Member Cook**

February 16, 2010

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An act to amend Section 47612.5 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1907, as amended, Cook. Charter schools: instruction.

Existing law defines nonclassroom-based instruction to include, but not to be limited to, independent study, home study, work study, and distance and computer-based education. Existing law requires a charter school that provides independent study to comply with specified provisions relating to independent study.

This bill would specify that a charter school offering *real-time synchronized* nonclassroom-based instruction is not required to comply with specified provisions relating to independent study except to the extent that the charter school provides independent study.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 47612.5 of the Education Code is
- 2 amended to read:
- 3 47612.5. (a) Notwithstanding any other provision of law and
- 4 as a condition of apportionment, a charter school shall do all of
- 5 the following:

(1) For each fiscal year, offer, at a minimum, the following number of minutes of instruction:

(A) To pupils in kindergarten, 36,000 minutes.

(B) To pupils in grades 1 to 3, inclusive, 50,400 minutes.

(C) To pupils in grades 4 to 8, inclusive, 54,000 minutes.

(D) To pupils in grades 9 to 12, inclusive, 64,800 minutes.

(2) Maintain written contemporaneous records that document all pupil attendance and make these records available for audit and inspection.

(3) Certify that its pupils have participated in the state testing programs specified in Chapter 5 (commencing with Section 60600) of Part 33 in the same manner as other pupils attending public schools as a condition of apportionment of state funding.

(b) (1) Notwithstanding any other provision of law and except to the extent inconsistent with this section and Section 47634.2, a charter school that provides independent study shall comply with Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 and implementing regulations adopted thereunder. The ~~State Board of Education~~ *state board* shall adopt regulations that apply this article to charter schools. To the extent that these regulations concern the qualifications of instructional personnel, the ~~State Board of Education~~ *state board* shall be guided by subdivision (l) of Section 47605.

(2) Commencing with the 2005–06 fiscal year, nothing in this subdivision or in any other provision of law shall be interpreted to require a charter school offering *real-time synchronized* nonclassroom-based instruction to comply with Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 and implementing regulations adopted thereunder, except to the extent that the charter school provides independent study.

(c) A reduction in apportionment made pursuant to subdivision (a) shall be proportional to the magnitude of the exception that causes the reduction. For purposes of paragraph (1) of subdivision (a), for each charter school that fails to offer pupils the minimum number of minutes of instruction specified in that paragraph, the Superintendent shall withhold from the charter school's apportionment for average daily attendance of the affected pupils, by grade level, the sum of that apportionment multiplied by the percentage of the minimum number of minutes of instruction at each grade level that the charter school failed to offer.

(d) (1) Notwithstanding any other provision of law and except as provided in paragraph (1) of subdivision (e), a charter school that has an approved charter may receive funding for nonclassroom-based instruction only if a determination for funding is made pursuant to Section 47634.2 by the ~~State Board of Education~~ *state board*. The determination for funding shall be subject to any conditions or limitations the ~~State Board of Education~~ *state board* may prescribe. The ~~State Board of Education~~ *state board* shall adopt regulations on or before February 1, 2002, that define and establish general rules governing nonclassroom-based instruction that apply to all charter schools and to the process for determining funding of nonclassroom-based instruction by charter schools offering nonclassroom-based instruction other than the nonclassroom-based instruction allowed by paragraph (1) of subdivision (e). Nonclassroom-based instruction includes, but is not limited to, independent study, home study, work study, and distance and computer-based education. In prescribing any conditions or limitations relating to the qualifications of instructional personnel, the ~~State Board of Education~~ *state board* shall be guided by subdivision (l) of Section 47605.

(2) Except as provided in paragraph (2) of subdivision (b) of Section 47634.2, a charter school that receives a determination pursuant to subdivision (b) of Section 47634.2 is not required to reapply annually for a funding determination of its nonclassroom-based instruction program if an update of the information the ~~State Board of Education~~ *state board* reviewed when initially determining funding would not require material revision, as that term is defined in regulations adopted by the board. A charter school that has achieved a rank of 6 or greater on the Academic Performance Index for the two years immediately prior to receiving a funding determination pursuant to subdivision (b) of Section 47634.2 shall receive a five-year determination and is not required to annually reapply for a funding determination of its nonclassroom-based instruction program if an update of the information the ~~State Board of Education~~ *state board* reviewed when initially determining funding would not require material revision, as that term is defined in regulations adopted by the board. Notwithstanding any provision of law, the ~~State Board of Education~~ *state board* may require a charter school to provide updated

1 information at any time it determines that a review of that  
2 information is necessary. ~~The State Board of Education~~ *state board*  
3 may terminate a determination for funding if updated or additional  
4 information requested by the board is not made available to the  
5 board by the charter school within a reasonable amount of time or  
6 if the information otherwise supports termination. A determination  
7 for funding pursuant to Section 47634.2 may not exceed five years.

8 (3) A charter school that offers nonclassroom-based instruction  
9 in excess of the amount authorized by paragraph (1) of subdivision  
10 (e) is subject to the determination for funding requirement of  
11 Section 47634.2 to receive funding each time its charter is renewed  
12 or materially revised pursuant to Section 47607. A charter school  
13 that materially revises its charter to offer nonclassroom-based  
14 instruction in excess of the amount authorized by paragraph (1)  
15 of subdivision (e) is subject to the determination for funding  
16 requirement of Section 47634.2.

17 (e) (1) Notwithstanding any other provision of law, and as a  
18 condition of apportionment, “classroom-based instruction” in a  
19 charter school, for the purposes of this part, occurs only when  
20 charter school pupils are engaged in educational activities required  
21 of those pupils and are under the immediate supervision and control  
22 of an employee of the charter school who possesses a valid teaching  
23 certification in accordance with subdivision (l) of Section 47605.  
24 For purposes of calculating average daily attendance for  
25 classroom-based instruction apportionments, at least 80 percent  
26 of the instructional time offered by the charter school shall be at  
27 the schoolsite, and the charter school shall require the attendance  
28 of all pupils for whom a classroom-based apportionment is claimed  
29 at the schoolsite for at least 80 percent of the minimum  
30 instructional time required to be offered pursuant to paragraph (1)  
31 of subdivision (a) of Section 47612.5.

32 (2) For the purposes of this part, “nonclassroom instruction” or  
33 “nonclassroom-based instruction” means instruction that does not  
34 meet the requirements specified in paragraph (1). ~~The State Board~~  
35 ~~of Education~~ *state board* may adopt regulations pursuant to  
36 paragraph (1) of subdivision (d) specifying other conditions or  
37 limitations on what constitutes nonclassroom-based instruction,  
38 as it deems appropriate and consistent with this part.

39 (3) For purposes of this part, a schoolsite is a facility that is used  
40 principally for classroom instruction.

1     (4) Notwithstanding any other provision of law, neither the ~~State~~  
2 ~~Board of Education~~ *state board*, nor the Superintendent may waive  
3 the requirements of paragraph (1) of subdivision (a).

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